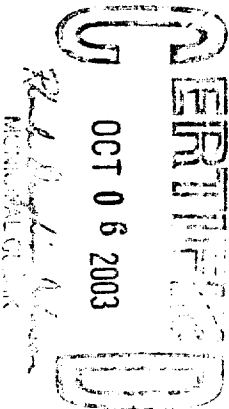


Entered 6-20-02 - sb  
CL 02L0433 - GWENDOLYN BURNS

**CLAIM OF: STATE FARM INSURANCE COMPANY**  
**as subrogee of Phyllis Fortson**  
11350 Johns Creek Parkway  
Duluth, Georgia 30098-0001

**03-R -1566**

For vehicular damages alleged to have been sustained from driving over a construction site that was left open and in an unsafe condition on April 10, 2002 at Williams Street & Harris Street.



THIS ADVERSED REPORT IS  
APPROVED

BY:

  
JERRY L. DELOACH  
DEPUTY CITY ATTORNEY

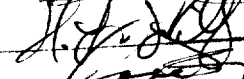
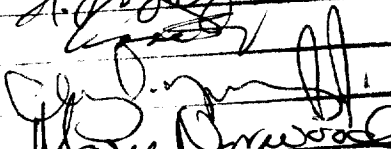
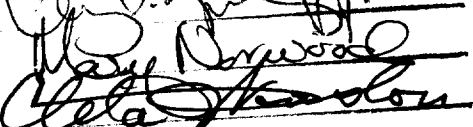
## ADVERSE REPORT

PUBLIC SAFETY &

LEGAL ADMINISTRATION COMMITTEE

DATE: 9/30/03

CHAIR:



## OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC  
MUNICIPAL CLERK

October 17, 2003

55 TRINITY AVENUE, S.W.  
SECOND FLOOR, EAST  
SUITE 2700  
ATLANTA, GEORGIA 30335  
(404) 330-6033  
FAX (404) 658-6103

State Farm Insurance Co.  
as subrogee of Phyllis Fortson  
Attn: Colette Tinkham  
11350 Johns Creek Parkway  
Duluth, GA 30098-0001

03-R-1566

Dear Ms. Tinkham:

I sincerely regret that you have been adversely affected by the circumstances raised in your claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your claim at its regular meeting on October 06, 2003. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the City Attorney's Office/Claims Division at (404) 330-6400.

Yours very truly,

Rhonda Dauphin Johnson, CMC  
Municipal Clerk

cc: Claims Division/Law Department

## DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 02L0433

Date: September 15, 2003

Claimant /Victim PHYLLIS FORTSON  
 BY: (Atty) (Ins. Co.) STATE FARM INSURANCE COMPANIES  
 Address: 11350 Johns Creek Parkway, Duluth, Georgia 30098-0001  
 Subrogation:          Claim for Property damage \$ 1,476.25 Bodily Injury \$           
 Date of Notice: 6/17/02 Method: Written, Proper X Improper           
 Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X  
 Date of Occurrence 4/10/02 Place: Williams Street & Harris Street  
 Department          Division           
 Employee involved          Disciplinary Action:         

NATURE OF CLAIM: Claimant alleges that her vehicle sustained damage when she drove over a construction site that was improperly covered in the roadway. However, an investigation determined that an outside contractor was responsible for the road defect. However, the contractor filed Chapter 7 Bankruptcy and is no longer in business. The claimant's insurance company has been so advised and they have elected to close their file.


**INVESTIGATION:**

Statements: City employee \_\_\_\_\_ Claimant \_\_\_\_\_ Others   X   Written \_\_\_\_\_ Oral   X    
 Pictures \_\_\_\_\_ Diagrams \_\_\_\_\_ Reports: Police \_\_\_\_\_ Dept Report   X   Other \_\_\_\_\_  
 Traffic citations issued: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_  
 Citation disposition: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

**BASIS OF RECOMMENDATION:**

Function: Governmental \_\_\_\_\_ Ministerial \_\_\_\_\_  
 Improper Notice \_\_\_\_\_ More than Six Months \_\_\_\_\_ Other   X   Damages reasonable \_\_\_\_\_  
 City not involved   X   Offer rejected \_\_\_\_\_ Compromise settlement \_\_\_\_\_  
 Repair/replacement by Ins. Co. \_\_\_\_\_ Repair/replacement by City Forces \_\_\_\_\_  
 Claimant Negligent \_\_\_\_\_ City Negligent \_\_\_\_\_ Joint \_\_\_\_\_ Claim Abandoned \_\_\_\_\_

Respectfully submitted,

  
INVESTIGATOR - GWENDOLYN BURNS

**RECOMMENDATION:**

Pay \$ \_\_\_\_\_ Adverse X Account charged: 1A01 \_\_\_\_\_ 2J01 \_\_\_\_\_ 2P01 \_\_\_\_\_ 2H01 \_\_\_\_\_  
 Claims Manager: [Signature] Concur/date 09/17/03  
 Committee Action: \_\_\_\_\_ Council Action \_\_\_\_\_

RCS# 5041  
10/06/03  
2:05 PM

Atlanta City Council

Regular Session

CONSENT I

CONSENT I PGS 1-14

ADOPT

YEAS: 13  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 2  
EXCUSED: 0  
ABSENT 1

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	Y Fauver	NV Martin	Y Norwood
Y Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	B Boazman	NV Woolard

CONSENT I

10-06-03 Council Meeting		
ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT	ITEMS ADVERSED ON CONSENT
1. 03-O-1475	37. 03-R-1521	71. 03-R-1555
2. 03-O-1471	38. 03-R-1522	72. 03-R-1556
3. 03-O-1438	39. 03-R-1523	73. 03-R-1557
4. 03-O-1442	40. 03-R-1524	74. 03-R-1558
5. 03-O-1452	41. 03-R-1525	75. 03-R-1559
6. 03-O-1380	42. 03-R-1526	76. 03-R-1560
7. 03-O-1478	43. 03-R-1527	77. 03-R-1561
8. 03-O-1479	44. 03-R-1528	78. 03-R-1562
9. 03-O-0953	45. 03-R-1529	79. 03-R-1563
10. 03-O-1455	46. 03-R-1530	80. 03-R-1564
11. 03-O-1476	47. 03-R-1531	81. 03-R-1565
12. 03-O-1481	48. 03-R-1532	82. 03-R-1566
13. 03-R-1498	49. 03-R-1533	83. 03-R-1567
14. 03-R-1499	50. 03-R-1534	84. 03-R-1568
15. 03-R-1582	51. 03-R-1535	85. 03-R-1569
16. 03-R-1583	52. 03-R-1536	86. 03-R-1570
17. 03-R-1502	53. 03-R-1537	87. 03-R-1571
18. 03-R-1503	54. 03-R-1538	88. 03-R-1572
19. 03-R-1505	55. 03-R-1539	89. 03-R-1573
20. 03-R-1506	56. 03-R-1540	90. 03-R-1574
21. 03-R-1507	57. 03-R-1541	91. 03-R-1575
22. 03-R-1488	58. 03-R-1542	92. 03-R-1576
23. 03-R-1489	59. 03-R-1543	93. 03-R-1577
24. 03-R-1490	60. 03-R-1544	94. 03-R-1578
25. 03-R-1491	61. 03-R-1545	
26. 03-R-1492	62. 03-R-1546	
27. 03-R-1495	63. 03-R-1547	
28. 03-R-1513	64. 03-R-1548	
29. 03-R-1514	65. 03-R-1549	
30. 03-R-1515	66. 03-R-1550	
31. 03-R-1516	67. 03-R-1551	
32. 03-R-1517	68. 03-R-1552	
33. 03-R-1518	69. 03-R-1553	
34. 03-R-1519	70. 03-R-1554	
35. 03-R-1520		
36. 03-R-1579		

Consent I Vote: 13 Yeas; 0Nays: (See RCS #5041)